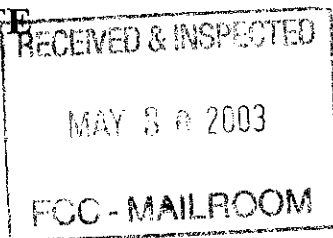


Smart Buildings Policy Project

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Thomas Cohen
Smart Buildings Policy Project
888 17th Street, NW
Suite 900
Washington, DC 20006

Alcatel USA

American Electronics Association

Association for Local
Telecommunications Services

AT&T

Comcast Business Communications

Competitive Telecommunications
Association

Digital Microwave Corporation

Focal Communications Corporation

The Harris Corporation

Highspeed.com

Information Technology
Association of America

Lucent Technologies

NetVoice Technologies, Inc.

Network Telephone Corporation

Nokia Inc.

International Communications Association

P-Com, Inc.

Siemens

Telecommunications Industry Association

Telligent

Time Warner Telecom

Winstar Communications Inc.

Wireless Communications
Association International

WorldCom

XO Communications, Inc.

May 22, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Rules and Regulations Implementing the Telephone
Consumer Protection Act of 1991; CG 02-278

Ms. Dortch,

Please be advised that the attached ex parte letter was sent today to K. Dane Snowden, Margaret Egler, Bryan Tramont, Matthew Brill, Daniel Gonzalez, Jessica Rosenworcel and Lisa Zaina. This letter outlines the position of the Smart Buildings Policy Project ("SBPP") in the above-captioned open proceeding.

Please contact me with any questions regarding this filing. I may be reached at (202) 887-1203.

Sincerely,

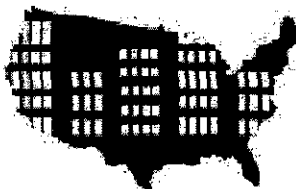
/s/

Thomas Cohen
Smart Buildings Policy Project

SBPP/ALTS
Suite 900
888 17th Street NW
Washington, DC 20006
Tel: 202-969-2587
Fax: 202-969-2581

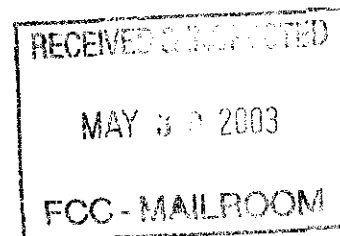
Enclosures

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Smart Buildings Policy Project

May 22, 2003



K. Dane Snowden
Federal Communications Commission
Consumer & Governmental Affairs
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Rules and Regulations Implementing the Telephone
Consumer Protection Act of 1991; CG 02-278

Dear Mr. Snowden,

On behalf of the Smart Buildings Policy Project ("SBPP"),¹ please find below ex parte comments in the above-referenced proceeding.

In its Further Notice of Proposed Rulemaking, the Federal Communications Commission ("FCC" or "Commission") sought comments on its requirements under the recent Do-Not-Call Implementation Act.² Under the Do-Not-Call Implementation Act, the FCC is charged with consulting and coordinating with the Federal Trade Commission ("FTC") to "maximize consistency with the rule promulgated by the Federal Trade Commission."³

While the SBPP understands the need to protect consumers from unwanted telephone calls, a wholesale adoption of the FTC's rules, including its definition of existing business relationship ("EBR"), could substantially harm consumers of telecommunications services by inhibiting a potential customer's ability to choose a competitive local exchange provider ("CLEC") over the incumbent local exchange ("ILEC") provider. Specifically, the EBR definition could result in mistakenly and artificially providing ILECs with unfettered access to customers in multi-tenant environments ("MTEs") while denying the same access to CLECs.

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SBPP/ALTS
Suite 900
888 17th Street NW
Washington, DC 20006
Tel: 202-969-2587
Fax: 202-969-2581

¹ The SBPP is a coalition of telecommunications carriers, equipment manufacturers, and other organizations that support nondiscriminatory telecommunications carrier access to tenants in multi-tenant environments ("MTEs"). The SBPP was formed after many telecommunications carriers found that building access posed a very serious barrier to facilities-based competition.

² *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Further Notice of Proposed Rulemaking*, 2003 LEXIS 1546 (2003).

³ Do-Not-Call Implementation Act, Pub. L. No. 109-10, 117 Stat. 557 (2003).

The above material has also been sent via First Class Mail May 22, 2003 to the following recipients:

Margaret Egler
CGB Deputy Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Bryan Tramont
Senior Legal Advisor, Office Chairman Powell
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Matthew Brill
Senior Legal Advisor, Office of Commissioner Abernathy
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Lisa Zaina
Senior Legal Advisor, Office of Commissioner Adelstein
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Jessica Rosenworcel
Legal Advisor, Office of Commissioner Copps
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Daniel Gonzalez
Senior Legal Advisor, Office of Commissioner Martin
Federal Communications Commission
445 12th St. SW
Washington, DC 20554